

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1-6, and 12-14 have been amended. Claims 7 and 15 have been cancelled. Claim 16 has been added. Accordingly, claims 1-6, 8-14 and 16 are pending in the Application.

### **I. Objections to the Specification**

The Examiner has objected to the Specification because the Abstract is over 150 words in length. See Office Action, Pages 2 and 3. In response, the Applicants submit amendments to the Abstract to comply with the length requirements as recited in M.P.E.P. § 1826. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the objection to the Specification on this basis.

### **II. Objections to the Claims**

In the outstanding Office Action, claims 6, 14 and 15 are objected to as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claims. In response, the Applicants have amended the claims such that no multiple dependent claim depends from another multiple dependent claim. Specifically, claims 6 and 14 have been amended and claim 15 has been cancelled. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the objection to the claims on this basis.

### **III. Claim Rejections – 35 U.S.C. §102**

In the outstanding Action, claims 1-5 and 7-13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0129671 by Yamasaki et al. (“Yamasaki”).

To anticipate a claim, a single reference must disclose each element of that claim. Thus, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, “[t]he elements must be arranged as required by the claim.” *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) and MPEP § 2131.

In regard to the rejection of claim 1 under 35 U.S.C. § 102, this claim has been amended to recite:

“A two speed transmission system mounted for driving a marine craft comprising:  
an input shaft coupled in direct connection with a driveshaft of an engine of the marine craft;  
an output shaft coaxial with the input shaft coupled in direct connection with a driveline of the marine craft;  
a first gear train for transmitting drive from the input shaft to the output shaft at a low speed fixed first gear ratio;  
a second gear train for transmitting drive from the input shaft to the output shaft at a cruising speed fixed second gear ratio;  
a first friction clutch operable to engage/disengage the first gear train, whereby the first friction clutch is engaged to drive the marine craft in the first gear ratio; and  
a second friction clutch operable to engage/disengage the second gear train, whereby the second friction clutch is engaged to drive the marine craft in the second gear ratio;  
wherein the input shaft is isolated from driving interconnection with the output shaft by disengagement of both clutches; and  
wherein in shifting between the first gear ratio and the second gear ratio one of the friction clutches is disengaged using controlled slippage while the other friction clutch is engaged using controlled slippage”

(emphasis added). The Applicants submit that these amendments are supported, for example, by Figures 1 and 6, of the Specification as filed. Further, the Applicants submit that the two speed transmission system of amended claim 1 is not disclosed by Yamasaki.

Yamasaki relates to a complex transmission having additional gears provided by gear shift clutches SCI and SC2. The transmission disclosed in Yamasaki uses clutch C2 for slippage during gear changes, while clutch C1 (and not C2) is used for intermediate gear ratios before and after gear changes. This is in contrast to the marine transmission of amended claim 1 which uses the first clutch for low speed fixed first drive ratios and the second clutch for cruising speed fixed second drive ratios, without any additional gear shift clutches akin to SC1 and SC2 of Yamasaki. Advantageously, the marine transmission of amended claim 1 doubles the number of drive ratios of the driveline between the transmission and the drive propeller, with controlled slippage between the gear ratios, so as to address the problems with marine transmissions identified in the background section of the Specification. The Applicants submit that there is no teaching in Yamasaki for the specific arrangement of the transmission as now claimed.

Further, Yamasaki appears to relate to a manual transmission that provides two clutches between the transmission and the engine. The two clutches replace a typical manual clutch. The C2 clutch is used to reduce torque loss and provide slip so that the speed across the gear and the transmission output shaft can be synchronized, such that C2 is merely a synchronizing clutch used temporarily during gear changes, rather than for driving a marine craft in a fixed second gear ratio, as recited in amended claim 1. Further, clutch C1 is slipped during a gear shift and locked when the gear shift is completed.

This structure and mechanical relationship is in contrast to the transmission of amended claim 1 which has two clutches associated respectively with two fixed gears. When changing gears in the claimed transmission, a clutch swap is required. The first clutch is for the low speed fixed first drive ratio and the second clutch for the cruising speed fixed second drive ratio. As described above, Yamasaki fails to teach these elements of amended claim 1. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

In regard to the rejection of claims 2-6, and 8-14, these claims depend from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claim 1, Yamasaki does not teach each element of dependent claims 2-6, and 8-14. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

#### **IV. New Claims**

The Applicants respectfully submit new claim 16. Support for new claim 16 may be found, for example, in original claim 7. The Applicants respectfully submit the amendments are supported by the specification and do not add new matter. Further, claim 7 depends from independent claim 1 and incorporates the limitations thereof. Thus, at least for the reasons discussed above in regard to the independent claim 1, Yamasaki does not teach each element of dependent claim 7. Accordingly, the Applicants respectfully request consideration and allowance of new claim 7 at the Examiner's earliest convenience.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

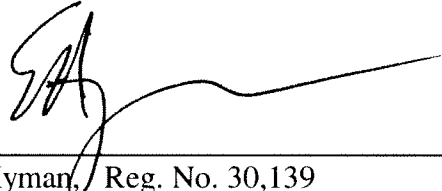
### PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on November 25, 2009, Applicants respectfully petition Commissioner for a three (3) month extension of time, extending the period for response to May 25, 2009. The amount of \$1110.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

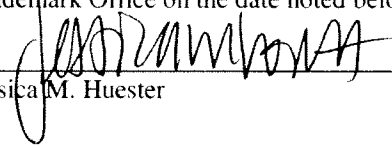
Dated: 5/26/09

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#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date noted below.

 5/26/09  
Jessica M. Huester Date